

Notes from the Caltrans Statewide PA Teleconference 5-27-04

Intro

Participants from Headquarters (HQ) included: Greg King, Dana Supernowicz, Jill Hupp, Glenn Gmoser, Dorene Clement, Anmarie Medin, Judy Tordoff, Julia Huddleson, John Sharp, Gloria Scott, Germaine Belanger, and (by phone) Gina Moran and Dale Jones.

After welcoming everyone, Greg remarked that HQ is considering the idea of making recent MOAs available on a library server or the CCSO website that cultural staff statewide could use as models, as much of the language has become standard. He had discussed this with Hans Kreutzberg of OHP, who had wondered if HQ was involved in reviewing agreement documents before they are sent to SHPO. Discussion followed; some districts felt it was not practical to post MOAs on the Internet since the “standard” language changes so quickly. One District suggested distributing recent MOAs quarterly to the HRCs instead. The majority of folks were in favor of the web posting, however. Greg said that HQ would move forward with setting this up.

IT rollout update: Gina Moran gave a brief report on the status of the IT project workload-tracking system. It is up and running, and she is looking to us to test it and see what we like or don’t like. Please take the time to input the appropriate data into the list, which is now online at <http://pd.dot.ca.gov/env/irsd/workload/index.asp>. Carson Hendricks of CCSO is currently entering data from the old SHPO workload list into IT, and we can contact him or Gina if we have any questions as we try to use the system. She also made a note of the following:

- 12/25/2003 was used as a default when the ED due date was left blank. This is now a required field. Please try to fill in the real date
- For EAs – the system only includes the first 5 digits, so the last number/letter isn’t used
- Counties are abbreviated as 2 or 3 letters; capitalization is automatic
- There is no need to enter a 0 in front of single-digit districts

Questions and Answers

- Q.** The new version of the Handbook Vol. II does not print out very well. Are there plans in the future to have downloadable or printable versions available?
- A. Gloria:** HQ IT staff was alerted to this concern and recently added PDF versions of the chapters, so they should now print out fine. If not, please let us know. Future Chapters will be available in PDF as they are posted. Note that the PDF version is primarily just for printing – the links don’t necessarily work.
- Q.** What are the prospects for having a geoarchaeology class to help us in writing our new geomorphology sections?
- A. Glenn:** This is currently in development in the DEA’s IRSD Office (Shelia Mone’s shop). Bob Pavlik is working on this but due to budgetary considerations, training prioritization etc. there is no guarantee that we will have something widely available in the next year but Bob said it is “on the list.” Possible leads include a one-day fluvial geomorphology class available at UC Davis that might be “tested” for applicability with some participants. If suitable, this might be combined with a second in-house developed workshop to apply the lessons to our activities.

Q. Don't sidewalk replacements have the potential to affect adjacent buildings, especially because of possible damage from demolition/construction vibration? How can we screen sidewalk projects when there are adjacent buildings or even historic districts that should be included in the APE because of this potential for effect?

A. Dorene: Typically, there is no potential to affect adjacent buildings but - as always - it depends. We did a field review in D-4 recently for a streetscape improvement project, including sidewalk replacement, in the middle of a downtown commercial district with unreinforced masonry buildings abutting the sidewalk. We determined it was still screenable because the district was the buildings only, and none of the work had any potential to affect them.

We can generally be pretty sure that sidewalk demolition and construction won't do anything to adjacent buildings (when the sidewalk is not part of the historic property, of course). Sidewalk contractors do this kind of work all the time, and they can't afford to damage buildings in the process--they'd go out of business if they had to pay damages or huge insurance premiums because of it.

Q. But what about in communities where we haven't done studies? In Madera for example there are historic buildings with basements that extend under the sidewalks and could be affected, and that could be part of a district. We would need to do research to determine whether there is this potential. It isn't necessarily *extensive* research, but we do need to consider if there is potential for these sidewalks to be contributors to a district, should one ever be evaluated. We need to at least go out there and look at the area before we can screen these projects.

A. Dorene: Yes, we should go out there and look. But it is possible to screen a project without looking if you *know* the area has no potential to be a historic district. Remember too, most sidewalks are not from the period of significance – they are typically more modern. Replacing a modern non-contributor with another modern non-contributor would not affect the significance of a district, should one be present. In some areas, like the Gold Rush communities in the foothills, there are districts where the sidewalks would likely be contributors. But most of the time we shouldn't be spending a lot of time doing research to determine this when our projects have little potential to affect historic properties – most ADA compliance projects, for instance.

Q. In my district we have a lot of older sidewalks with those glass blocks – so they might be contributors to the adjacent building.

A. Dorene: Yes, in that case, if the sidewalk would be part of the historic property, it would not be screenable. Same with historic buildings that have overhangs or balcony supports that extend out onto the sidewalk. There are always exceptions.

Q. There is a lot of disagreement among the archaeologists statewide about whether to record these trash scatters. Many of us historical archaeologists think the dumps should be recorded in the ASR because the ASR functions as an inventory document. HQ has been giving very strong direction that archaeologists should NEVER record such archaeological sites. We need to remember that the ASR serves as the inventory document that goes to the Info

Center. Other agencies that don't have a PA that allows them to exempt trash dumps might need to know about such sites that Caltrans identified and exempted.

- A. **Glenn:** Never say always or never ever about anything! The PA Attachment 4 clearly states that the “exempt” archaeological property types “...*may not warrant recordation. Professional judgment should be used as to the level of identification effort...*” It also clearly states, “*This exemption process does not include archaeological sites....*” So it is really the professional judgment of the PQS to say, is it or isn’t it a site. If professional judgment suggests that a site record is warranted, in most cases you are probably not dealing with an “exempt” resource, even though it may not ultimately meet the tests for significance. It would however, be subject to evaluation under the stipulations of the PA. This does not preclude noting in some fashion resources that do meet the exemption criteria in a technical survey report (as has been typically done with isolates even before the PA), but they should not be carried forward to the HPSR or APE maps. We are not doing ourselves or anyone else any favors, and are likely to cause more problems on balance, when we create records for resources that clearly shouldn’t be dealt with as sites and then have to revisit them over and over again because of a permanent marker/number established in a database that should be for resources we *do* need to be concerned about. In sum, use professional judgment..., which should be responsible judgment.

Extensive discussion followed. The essential points raised are summarized below.

- Q. What about documenting it with a P-form and site map? How else would we know if it is an isolate or not? The PA says exempt from evaluation – it doesn’t say exempt from recordation. You would need to do *some* research anyway to decide if it truly is isolated. If we are to use our professional judgment, my professional judgment and professional ethics say that I need to do some level of recordation. It doesn’t take a lot of time or effort to record these isolates.
- A. **Glenn et al:** Doing a form is almost like saying this is a historic property. You don’t need a *form* to say it’s an isolate – it is exempt. That’s not to say it can’t be mentioned in the technical study, but it definitely doesn’t belong in the HPSR and shouldn’t be marked on the APE map. Professional ethics are not being compromised. Also, we shouldn’t be telling consultants to record something that they think is exempt just because you would record it. It is the professional judgment of the person doing the work.
- Q. We need to be reminded of how the OHP survey manual defines an “isolate” versus how you define it in the PA.
- A. **Gloria:** The PA is a legal document, and it is what we are bound to follow. The OHP survey manual, our handbook, and any other manuals are simply guidance. If the PA differs from that guidance, it is the PA that takes precedence. Also, SHPO was our partner in drafting the PA, so they are aware of how the PA uses the term.

- Q.** So essentially it's up to our professional judgment to decide when recordation is warranted, and you're saying it's OK to discuss trash scatters in the ASR as long as we don't include them in the HPSR?
- A. Glenn et al:** Discussing in the ASR may be perfectly appropriate, but the point is that formal recordation (DPR form) isn't a requirement – the PA says these are *not archaeological sites*. It is up to the professional to decide if a given find meets the exempt criteria or is in fact a site. We are not doing academic-based archaeological surveys – we are complying with Section 106. It is a judgment call, but lack of statewide consistency has caused problems with consultants working in different districts and being told different ways of doing things. Hans Kreutzberg has stated that the SHPO would like to see uniformity and consistency among the Districts in complying with Section 106.
- Q.** I am certified at the Co-PI level. Do I need to have a PI sign off or approve my reports before they go to SHPO? Why? What if it is only a “negative” ASR?
- A. Glenn:** The quick answer is everything, including an ASR with no properties identified, needs to be peer reviewed by someone who is a PI in the appropriate discipline. That means a report involving historical archaeological sites should be peer reviewed by a PI for historical archaeology, and those with prehistoric sites should be peer reviewed by a PI for prehistoric archaeology. This should not create an undue burden because we should be conducting peer review regardless of the PA.

Attachment 1 [par 2] of the PA states: “those not fully qualified as archaeological Principal Investigators may accomplish many important tasks with oversight, generally in the form of peer review or under direct supervision by qualified staff.” The first paragraph under each qualification level states that work will be peer reviewed by PIs. Remember that SHPO is giving us a break by allowing work to be conducted by people who do not meet the highest level of the Secretary's Professional Qualifications Standards. The certification standards on the NPS webpage make a distinction between prehistoric and historical archaeology.

NPS web page information (http://www.cr.nps.gov/local-law/arch_stnds_9.htm):

Archeology

The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archeology, and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in *prehistoric* archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in *historic* archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

Q. How do I document PI peer review and approval?

A. Jill: As we discussed at the January teleconference, it is up to the District. The easiest way is to name the peer reviewers in an acknowledgement or contributors section. We don't recommend including this information in the transmittal letter to SHPO, as has been suggested, because it is not relevant in that context. Generally, PIs providing peer review will not sign the title page of reports, unless the PI is truly a co-author. They usually provide comments directly to the author, who takes responsibility for making sure they are adequately addressed. Supervisors are responsible for ensuring appropriate peer review is conducted before reports are forwarded to SHPO.

Q. What about Local Assistance documents?

A. Jill: The same standard applies. If the consultant isn't able to name the peer reviewers in the report itself, Caltrans could write a memo to attach to the report, but we still don't want to put that information in the SHPO consultation letter.

Germaine: FHWA used to require that our transmittals state who conducted the peer review because they wanted some assurance that Caltrans had read the documents. But we don't need to do this anymore - the SHPO doesn't have the same requirement.

Q. Can you clarify – does the HPSR need to be approved by qualified staff?

A. Jill: Approval of the HPSR is a different than approving or peer reviewing an evaluation or technical report that is attached to the HPSR. The HRC or supervisor signs the HPSR as approving of its content. A PQS signature just shows that PQS have reviewed and approved the document, as required by Stipulation XVI of the PA.

Q. We have come across a few projects that seem like they should be screened undertakings, but they do not appear on the list (rumble strips, for example). We've been able to make the project fit into some category, but it would be nice if such items were included. We suggest that each district keep a list of these types of projects as they run across them so that if the time comes to update the list, we'll have comments ready.

A. Dorene: Great suggestion! We already have some ideas for improving the list when the opportunity arises, such as listing the classes in a more logical order so they're easier to find. Also, if there are any activities on the list that we've found are resulting in unanticipated effects to historic properties, we'd want to have those comments too. Meanwhile, it seems that rumble strips would typically be OK to legitimately screen.

Q. When will the guidance for archaeological resources be completed and available on the SER?

A. Glenn: Chapter 28 of the SER is already available on-line (look under Vol. I then go to Ch. 28). There is a great deal of useful data and links there, although the links back to our Vol. II handbook still take you to the old draft. The SER links will be updated as we get the handbook on-line. Yes, Ch. 5 (the archaeology chapter) of Vol II is on the way. It is substantially complete but careful review needs to be accomplished so that the occasional misstatement, carryover, glitch, or inconsistency is not permanently entombed.

Q. Will the short-form HPSR and HRCR templates be available online for consultants to access? Consultants continue to use the old forms that reference out-dated policies (such as the Post-1957 Treatment) even though they are familiar with the new PA and have access to the SER.

- A. **Dana:** They are now posted in Word format on the Cultural and Community Studies Office Internet site: <http://www.dot.ca.gov/hq/env/cultural/index.htm>. The format and content guidelines are also posted.
- Q. When -- exactly -- is it appropriate to use the short form HPSR? The handbook says
- The HPSR short form may be used when the project is simple or not large in scope or number of evaluated resources, or there are no properties within the APE. If a project is large, complex or controversial, however, it is recommended that the HPSR be prepared in narrative format instead of using the short form.
- A. **Glenn:** Exactly, that guidance still holds. Remember the mantra: *content over form*. Forms are kind of like those “lunchables™” They may seem convenient, but they are not really cheaper, don’t taste as good, and may not save all that much time, compared to simply following a recipe with some basic fresh ingredients. Besides it’s healthier. Use the format if not the form. If you find you are trying to cram things into the form, then maybe it’s best to back off and use the narrative.
- Q. I saw in the notes from the previous meeting that we don’t have to get SHPO concurrence on archaeological properties “considered eligible” for the purposes of the project. I received conflicting advice from HQ on this issue back in January. Can you confirm that this is correct?
- A. **Dorene:** Yes, our understanding at the time was that we had to get concurrence. But we’ve since confirmed with SHPO that when sites are “considered eligible” for the purposes of a project in accordance with Stipulation VIII.C.3 – that is, without conducting subsurface testing and they are protected from all project effects by an ESA - it is just notification to SHPO. But if an ESA can’t protect the site from all project effects, or if any conditions other than Standard Conditions are necessary to protect it, then the “considered eligible” provision doesn’t apply. Notification meaning we send them an FOE with the ESA action plan and any other supporting documentation attached.
- Q. What do we do when we have a project in which we can’t get access and we can’t extend an ESA onto private property?
- A. **Glenn:** We *can* establish an ESA - we just can’t fence it on the private land if the landowner won’t allow it. The APE might not just be on land that we own. Regardless of whether it’s on private land, we have to deal with our undertaking’s effects to historic properties.
- Q. If the APE for an undertaking contains no resources, with the exception of a bridge that was evaluated using the short form, does the HPSR go to the SHPO?
- A. **Jill:** No; the MOU for short form bridge evaluations was an agreement upfront by SHPO, FHWA and Caltrans that the three types of structures permitted to be evaluated using the short form (Standard, Temporary, or Culvert) are not eligible, so SHPO does not comment on the short form. It is attached to the HPSR but the HPSR would only go to SHPO if there were other properties that *do* require SHPO concurrence.

Another question this raises though is: does the bridge *need* to be re-evaluated? It is generally unnecessary to re-evaluate a previously evaluated bridge unless the historian finds that there is some basis for reassessing the determination. As with any resource, passage of time or other changes may be a reason to consider if re-evaluation were needed. A bridge listed as a Category 5 has been determined ineligible already, and it remains a Category 5 regardless of age, unless it is re-evaluated and that finding is changed. For a Category 5 bridge that clearly remains ineligible, an HPSR would need only a statement by an appropriately qualified professional that the 5 rating is still valid, and that re-evaluation was not warranted.

- Q.** But the Seismic Bridge PA says that any bridge that has turned 50 since 1987 needs to be re-evaluated.
- A. Gloria:** This doesn't mean a historian needs to do a re-evaluation, unless it seems warranted or if conditions have changed. Please remember to copy Gloria if any state-owned resources *are* evaluated, for PRC 5024 notification purposes.
- Q.** Our district doesn't like the bridge evaluation short form because it asks for a description of the bridge but *doesn't* ask for an evaluation.
- A. Gloria:** That's because if it is one of the three bridge types identified in the 1980 MOU, the signatories agree upfront that it is not eligible. The MOU is included in the EH Vol II as Exhibit 7.3 (http://www.dot.ca.gov/ser/vol2/Ex_7_3_Jan_04-EH.pdf).
- Q.** What policy do we cite for projects that are excluded from the PA because they bisect an Indian Reservation and properties lie within the APE that were built after 1957?
- A. Dana:** First, to clarify – 1957 is not used as a cut off date for building evaluations anymore. We have Attachment 4 of the PA. For projects on Tribal land where the PA does not apply, we can't use the PA itself but we can use the *attachments* to the PA, which are guidance, as discussed at the February teleconference. You would cite the Caltrans Environmental Handbook, Volume II, Chapter 4 – the information is in Section 4.1.
- Q.** What is the SHPO's position on whether PRC 5024 applies to archaeological sites?
- A. Gloria:** This information is in the EH Vol II, Chapter 2, under State Owned Resources. It is based on guidance we received from SHPO and was sent to the Districts nine months or so ago. Basically, the applicability depends on what section of PRC 5024 you're operating under.
- Q.** This is about setting APEs in rural areas, where the potential for indirect effects is low, and we have very large parcels. What if there are buildings roughly 30 feet from the right of way, where there will be a take that is more than just a "sliver take," but there are other related ranch buildings set well away from the right of way, barely visible. Historically, it appears that the land has always been used for ranching/cattle grazing. The parcel is at least 400 acres. Do we have to include all of it in the APE?

A. Jill/Dorene: As PA Attachment 3 says,

"...it is rarely necessary to extend an APE to include entire districts or landscapes, large rural parcels, extensive functional systems or long linear features if potential effects on the whole would clearly be negligible. The guiding principle on delineating an APE is that it should be commensurate with, and provide for, an appropriate level of effort [i.e., historic property identification] to take into account an undertaking's potential for effects on historic properties."

I think we sometimes confuse parcel with property – “parcel” being a modern legal definition of land for tax assessment purposes, while the “historic property” might be different depending on how the historian defines that property. In this case it sounds like the “parcel” boundary hasn’t changed much historically – but you can still legitimately define the “property” as something smaller than 400 acres using some other reasonable boundary – say a row of trees, a fence line, or even the line of sight. SHPO is not going to have a problem with this. They are far more likely to question why we included entire vast rural parcels in the APE when there is clearly minimal potential for effects to the whole. If there is potential for indirect effects (visual, etc.) to the property as a whole, the rationale for the architectural APE needs to be clearly explained in the text since indirect effects are generally not obvious on a map.

Wrap-up

Greg thanked everyone for participating, and said that he appreciates all the good work we’re doing out there. He mentioned that District 4 is sponsoring a workshop on historical archaeology to be held at HQ on June 23. A cultural studies functional workshop may be possible in the next 2-3 years, but according to the IRSD Office (Shelia Mone, Chief), it will need to have a heavy training component in order to get funded. So, please send any ideas for training needs to HQ.

Headquarters Action Items

1. Set up sample MOA library on Intranet